

REMARKS

This paper is in response to the Official Action mailed April 7, 2006 and the Notice of Non-Compliant Amendment mailed January 3, 2007.

As an initial matter, applicants submit that the listing of claims includes the text of all of the claims pending in this application, namely, claims 61-63, 70-72, 76-77, 82, 84-85, and 88-89. Applicants further submit that each claim has been provided with the proper status identifier. With regard to the Examiner's comment that the amended text of claim 61 does not correlate with the text of the claim as presented by applicants in the amendment filed on September 6, 2005, applicants note that the discrepancy was not clear. Therefore, applicants' representative contacted the Supervisory Primary Examiner by telephone on February 5, 2007. The SPE could not discern the discrepancy, but commented that the mark-up to the claim may have been confusing. Applicants have shown the amendments to claim 61 in a slightly different version above (to remove the "s" from line 6), and respectfully submit that claim 61 correlates with the text of the claim as presented by Applicant in the amendment filed on September 6, 2005.

Additionally, applicants appreciate and acknowledge that applicants' arguments with respect to the election have been found persuasive, and that the Examiner has agreed to examine the claims of Groups I and II as set forth in the April 7, 2006 Official Action.

The above noted amendment to claim 61, cancellation of claims 64-69, 73-75, 78-81, 83, and 86-87, and addition of claims 88-89 are respectfully submitted in order to more clearly and appropriately claim the subject matter which the applicants consider their invention, and in order to expedite prosecution of the instant application. No new matter has been added by way

of the amendment. Therefore, entry of the amendment is respectfully requested.

In the Official Action, the Examiner rejected all of the claims presently under examination under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. Specifically, the Examiner has objected to the language "the treatment" and "and increasing the synthesis of skin lipids" in claims 61 and 86, and "the synthesis" in claim 61. By way of the amendment mentioned above, this language has been deleted and no longer appears in the claims.

All of the claims remaining under examination in this application also stand rejected under 35 U.S.C. § 102(b) over Moy, Lamaud, Loden, Aron-Bruntiere, Sekimoto and Roberts. The pending claims have also been rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberts. These references are all said to disclose a method of treating a disease using a composition including avocado and/or soy materials. All of the pending claims now include the limitation that the composition comprises at least one plant oil product selected from the group consisting of oil distillate of sunflower oil and unsaponifiable materials from sunflower oil. None of the references cited by the Examiner disclose use of a composition containing materials from sunflower oil. Additionally, the pending claims now recite specific diseases related to epidermal lipid patterns, including sensitive skin, dry skin, pruritus, ichtyosis, acne, xerosis, atopic dermatitis, cutaneous desquamation, skin subjected to actinic radiation, or skin subjected to UV radiation. None of these skin conditions are disclosed in the cited references. Therefore, none of the pending claims can be anticipated by Moy, Lamaud, Loden, Aron-Bruntiere, Sekimoto or Roberts. With regard to the rejection under 35 U.S.C. § 103(a), Roberts does

not disclose use of a composition containing materials from sunflower oil to treat a skin disease, and there is no teaching, suggestion or motivation in the art to use a composition containing materials from sunflower oil in the method of Roberts. Applicants therefore respectfully submit that claims 61-63, 70-72, 76-77, 82, 84-84, and 88-89 are in condition for allowance and should be deemed patentable.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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